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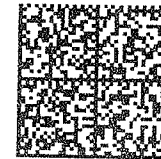
Filing date: **06/23/2014**

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD

Proceeding	92059409
Party	Plaintiff Cedar Fair L.P.
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Date	06/23/2014
Attachments	MyScan.PDF(77258 bytes)

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Biond Barry AKA William D. Tuttle, Jr.
2109 Broadway
Apartment #5-109
New York, NY 10023

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**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD**

In the matter of Registration No. 1836732 for FURY
Registration Date: May 17, 1994

CEDAR FAIR L. P.,

Petitioner,

v.

BIOND FURY aka WILLIAM D. TUTTLE, JR.,

Registrant.

Cancellation No.: _____

PETITION FOR CANCELLATION

Cedar Fair L. P. (“Petitioner”), a Delaware limited partnership located at One Cedar Point Drive, Sandusky, OH 44870-5259, believes that it is and will be damaged by continued registration of the mark FURY (“Petitioned Mark”), U.S. Registration No. 1836732. The Petitioned Mark is registered for “publications; namely, books of comic strips, posters, cartoons and books of stories relating to cartoon characters, and poetry” in Class 16, “clothing; namely, tee-shirts, sweaters and hats” in Class 25, and “entertainment services in the nature of live dramatic and musical performances and the presentation of pre-recorded dramatic and musical performances and music concert production services which produce live and recorded performances” in Class 41. Petitioner hereby petitions for cancellation of the above-referenced Registration pursuant to 15 U.S.C. §§ 1052, 1064 and 37 C.F.R. § 2.112. In support of this Petition, Petitioner alleges as follows:

FACTUAL BACKGROUND

1. Petitioner is the owner of U.S. trademark Application Serial No. 86173145 for the mark FURY for goods and services in Classes 6, 9, 16, 20, 21, 25, 28, and 41. Specific to this Petition for Cancellation are Classes 16 for “posters, notepads, postcards, pens and pencils, newsletters in the field of amusement parks, photographs, and paper pennants,” Class 25 for “clothing, namely, shoes, T-shirts, shorts, sweatshirts, sweatpants, sweatshirts, and headwear, namely, hats and caps,” and Class 41 for “amusement park services.” (“Pending Application”).

2. Biond Fury aka William D. Tuttle, Jr. (“Registrant”) is the current owner of record of U.S. Registration No. 1836732 for the mark FURY in the U.S. Patent and Trademark Office (“Registration”). Registrant’s address of record at the U. S. Trademark Office is 2109 Broadway, Apartment #5-109, NewYork, NY 10023.

3. The Trademark Office cited the Petitioned Mark against Petitioner’s Pending Application alleging likely confusion between the marks under Section 2(d) of the Trademark Act.

4. On information and belief, Registrant is no longer using the Petitioned Mark for the goods and services noted in its Registration.

**COUNT ONE:
ABANDONMENT**


5. Petitioner re-alleges and incorporates herein by reference the allegations in paragraphs 1-4 above as if fully set forth herein.

6. As grounds for cancellation of Registration No.1836732, Petitioner alleges, on information and belief, that Registrant has abandoned the Petitioned Mark FURY. On information and belief, Registrant is not currently using the Petitioned Mark in commerce within the scope of the challenged Registration. On information and belief, Registrant has abandoned the Petitioned Mark by discontinuing use of the mark with no intent to resume use.

7. Petitioner believes that it is and will be damaged by continued registration of the Petitioned Mark since it impairs Petitioner's ability to hold itself out as the owner of its FURY mark and denies Petitioner the opportunity to receive a registration for its FURY mark.

WHEREFORE, Petitioner believes that it is and will be damaged by continued registration of the mark FURY, Registration No.1836732, and, therefore, requests cancellation of the Registration on the ground that Registrant has abandoned the mark with no intent to resume use.

Respectfully submitted,

By 

Susan Neuberger Weller
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Dated: May 21, 2014

ATTORNEYS FOR PETITIONER
CEDAR FAIR L. P.

CERTIFICATE OF SERVICE

I hereby certify that a copy of the foregoing PETITION FOR CANCELLATION was served by U.S. mail, first class, postage prepaid, on this 21st day of May, 2014 on the Registrant at the address listed in the current U.S. Trademark Office Records as follows:

Biond Fury AKA William D. Tuttle, Jr.
2109 Broadway
Apartment #5-109
New York, NY 10023
Registrant

/Sharon Wester/
Sharon Wester